

Notice of Allowability

Application No.

10/064,700

Examiner

Cheukfan Lee

Applicant(s)

TSENG, WEN-CHAO

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed); a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed December 28, 2006.
2. ☒ The allowed claim(s) is/are 1, 2-37, 53, and 54, now renumbered 1-38, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Cheukfan Lee

1. **An examiner's amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Lynch on January 26, 2007. Mr. Lynch agreed to cancel claims 43-52 and amend claim 53 to place the application in condition for allowance.

Like previously rejected and now canceled claims 38-42, claims 43-52 are not supported by the specification. Independent claims 43 and 48 each claim two "means for adjusting ...", i.e., claim 43 claims two "means for adjusting a light source ...", and claim 48 claims two "means for adjusting a distance ...". The specification does not provide an embodiment that includes two "means for adjusting ..." as claimed in either of claims 43 and 48. The Examiner apologized for not addressing this matter in the Final Office Action mailed October 30, 2006.

Claim 53 is agreed to be amended to correct a minor error.

2. **Please amend the claims as follows:**

Cancel claims 43-52.

In claim 53, line 8, change "adjusting" to – being adjusted --.

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3. Claims 1, 3-37, 53, and 54 are allowed. Claims 1, 14, 23, 28, 32, and 53 are independent.

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 3-37, 53, and 54 were indicated allowed in the Final Office Action mailed October 30, 2006.

Independent claim 1 is allowable over the prior art of record because the prior art double-side image scanners do not include the light transparent channel from both the first and second side scanning regions to the image extraction apparatus, in combination with all other limitations of claim 1. The prior art Stoffel (U.S. Patent No. 4,536,077) does not teach the light transparent channel from both the first and second side scanning region as claimed.

Claims 3-13 depend on claim 1 directly or indirectly.

Independent claim 14 is allowable over the prior art of record because the prior art does not teach the claimed light transparent channel extending between the first or the second paper-transmission channel and the image extraction apparatus, the image extraction apparatus capable of being driven to adjust a distance between the image extraction apparatus and the first and second paper-transmission channels when the first or second side of the document is to be scanned through the light transparent channel, in combination with other limitations of claim 14.

Claims 15-22 depend on claim 14 directly.

Independent claim 23 is allowable because the prior art of record does not teach a scanning method as claimed. The prior art Stoffel (4,536,077) does not teach scanning an image of the first side by the image extraction apparatus through the light transparent channel and scanning an image of the second side by the image extraction apparatus through the light transparent channel, in combination with all other limitations of claim 23. Stoffel discloses two light channels for the two scanning steps for the first side and second side, respectively.

Claims 24-27 depend on claim 23 directly or indirectly.

Independent claim 28 is allowable because the prior art of record does not teach a scanning method comprising adjusting a light source emitting light incident onto the first side when the first side is to be scanned for an image of the first side, transmitting the document through a paper-turning region and turning the document with a second side of the document facing the image extraction apparatus, and adjusting the light source emitting light incident onto the second side when the second side is to be scanned for an image of the second side, in combination with the other limitations of claim 28.

Claims 29-31 and 37 depend on claim 28 directly.

Independent claim 32 is allowable because the prior art of record does not teach a scanning method comprising adjusting a distance between the image extraction apparatus and the first side of the document when the first side is to be scanned for an

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image of the first side, transmitting the document through a paper-turning region and turning the document with a second side of the document facing the image extraction apparatus, and adjusting a distance between the image extraction apparatus and the second side of the document when the second side is to be scanned for an image of the second side, in combination with the other limitations of claim 32.

Claims 33-36 depend on claim 32 directly or indirectly.

Independent claim 53 is allowable because the prior art of record does not teach an apparatus comprising as claimed, comprising the image extraction apparatus capable of extracting images of the first and seconds of the document through the first- and second-side scanning regions, respectively, of the paper-feeding through-channel defined in claim 53, the image extraction apparatus comprising a light source capable of **being adjusted according to images of the first and second sides** of the document, in combination with other limitations of claim 53.

Claim 54 depends on claim 53.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Applicant is reminded of the improper claim of foreign priority file with the Combined Declaration and Power of Attorney on August 8, 2002. An "X" is placed under "No" in the claim form.

Please see MPEP 201.11, page 200-66, section f, and also Rule 1.78(a) for filing a petition and fee for properly claiming foreign priority (or delayed claiming of foreign priority).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee
January 26, 2007